

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Mariano Garay-Ortiz, being first duly sworn, do here by depose and state that:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a United States Customs and Border Protection Enforcement Officer with the Department of Homeland Security, assigned to investigate Immigration Law violations and Criminal Laws of the United States at the Luis Muñoz Marín International Airport, Carolina, Puerto Rico.

2. I make this affidavit based on my own personal knowledge and on oral and written reports by other federal, state, and/or local law enforcement agents and officers that investigated this matter. This affidavit does not contain all the information derived from this investigation only that which is sufficient to demonstrate probable cause to believe that a crime has been committed.

3. This affidavit is submitted in support of a criminal complaint charging Richard Lorenzo CABA-BATISTA ("CABA-BATISTA") with: (1) Re-entry after deportation as an Aggravated Felon in violation of 8 U.S.C. § 1326(a) & (b)(2).

**PROBABLE CAUSE**

4. On or about December 7, 2024, at the Port of San Juan Pier, San Juan, Puerto Rico, an alien by the name of Richard Lorenzo CABA-BATISTA, a citizen of the Dominican Republic, was found attempting to enter the United States on board the tug Signet Intruder as a Stowaway.

5. The tug Signet Intruder was coming from the Port of Jacksonville, Florida. The tug was transiting near the Dominican Republic when the subject boarded the tugboat to San Juan, Puerto Rico as a Stowaway.

6. CABA-BATISTA was found inside the tugboat with other thirteen individuals.

7. CABA-BATISTA was taken to the U.S. Customs and Border Protection facilities to be processed for repatriation to his home country the Dominican Republic.

8. During this process CABA-BATISTA fingerprints were submitted to the FBI for examination and comparison, this examination disclosed a match to FBI record #XXXXXX. FBI record revealed the following:

- a. On November 5, 2013, Mr. CABA-BATISTA was convicted for Conspiracy to Distribute and Possess with Intent to Distribute Cocaine at the United States District Court Middle District of Pennsylvania and was sentenced to 40 months of Imprisonment.
- b. On March 18, 2015, Mr. CABA-BATISTA was Ordered Removed by the Immigration Judge.
- c. On April 7, 2015, the subject was physically removed from the United States to the Dominican Republic.

9. CABA-BATISTA was read his *Miranda* rights, and he waived his rights and agreed to be interviewed. During his immigration interview, CABA-BATISTA stated that his true and correct name is Richard Lorenzo CABA-BATISTA, and that he is a national and citizen of the Dominican Republic.

10. As part of his removal procedure CABA-BATISTA was advised that after his deportation / removal from the United States, he was required to obtain permission from the Attorney General or his successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

11. I conducted records checks which reveal that no application to request permission on form I-212 had been filed on behalf of "Richard Lorenzo CABA-BATISTA" at the Office of Citizenship and Immigration Services.

12. CABA-BATISTA is a citizen and national of the Dominican Republic and is an alien with no authorization or legal status to be present in the United States.

13. Further, CABA-BATISTA was deported from the United States and prohibited from re-entering the United States without obtaining consent from the Attorney General or his successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

**CONCLUSION**

14. Based upon my training, experience, and my participation in this investigation, I believe that probable cause exists that Richard Lorenzo CABA-BATISTA attempted to enter the United States in violation of 8 U.S.C. § 1326 (a) & (b)(2).

Respectfully submitted,

MARIANO E  
GARAY ORTIZ

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E GARAY ORTIZ  
Date: 2024.12.09 10:46:17  
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Mariano Garay-Ortiz  
Enforcement Officer  
Homeland Security Investigations

Sworn in accordance with the requirement of Fed. R. Crim. P. 4.1. by telephone at 2:12 pm  
on this 9th day of December 2024, in San Juan, Puerto Rico.



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HON. Marshal D. Morgan  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF PUERTO RICO